

**STAFF REPORT
C12**

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06/21/18
PRC 4132.1
J. Toy

ASSIGNMENT OF LEASE AND REVISION OF RENT

LESSEE/ASSIGNOR:

Ray Dolby and Dagmar Dolby, as Trustees of the Dolby Family Trust dated May 7, 1999

APPLICANT/ASSIGNEE:

Dagmar Dolby, as Trustee of the Dagmar Dolby Trust established under the Dolby Family Trust instrument, dated May 7, 1999

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 2550 West Lake Boulevard, near Tahoe City, Placer County

AUTHORIZED USE:

Continued use and maintenance of an existing pier, open-sided boathouse with stairs, pumphouse/shed, boat lift, and two mooring buoys.

LEASE TERM:

10 years, beginning October 19, 2012.

CONSIDERATION:

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$77 per year to \$263 per year, effective October 19, 2018.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

STAFF REPORT NO. **C12** (CONT'D)

Public Trust and State's Best Interests Analysis:

On October 19, 2012, the Commission authorized a General Lease – Recreational Use to Ray Dolby and Dagmar Dolby, as Trustees of the Dolby Family Trust dated May 7, 1999, for an existing pier, open-sided boathouse with stairs, pumphouse/shed, boat lift, and two mooring buoys ([Item C17, October 19, 2012](#)). The lease will expire on October 18, 2022.

Ray Dolby died in 2013 and on November 17, 2014, ownership of the upland parcel transferred to Dagmar Dolby, as Trustee of the Dagmar Dolby Trust established under the Dolby Family Trust instrument, dated May 7, 1999. The Applicant is now applying for an assignment of lease, effective November 17, 2014, and agrees to perform and be bound by the terms, conditions, covenants, and agreements contained in the lease.

In conjunction with the assignment of lease, staff reviewed the rent called for in the lease and recommends the rent be increased to \$263 per year, effective October 19, 2018.

The lease assignment will not result in a change in the use of public resources or the impacts thereto. Staff believes approval of this assignment is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction; and Strategy 2.2 to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Assignment of the lease and revision of rent are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

- A. Land Description
- B. Site and Location Map

STAFF REPORT NO. **C12** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed assignment will not impact the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the assignment of Lease No. PRC 4132.1, a General Lease –Recreational Use, of sovereign land as shown on Exhibit A, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof, from Ray Dolby and Dagmar Dolby, as Trustees of the Dolby Family Trust dated May 7, 1999; to Dagmar Dolby, as Trustee of the Dagmar Dolby Trust established under the Dolby Family Trust instrument, dated May 7, 1999; effective November 17, 2014.

2. Approve the revision of rent for Lease No. PRC 4132.1 from \$77 per year to \$263 per year, effective October 19, 2018.

EXHIBIT A

PRC 4132.1

LAND DESCRIPTION

Three parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 24, Township 15 North, Range 16 East, M.D.B.&M., as shown on Official Government Township Plat approved December 20, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 – PIER

All those lands underlying an existing pier, pumphouse/shed and open-sided boathouse with stairs lying adjacent to that parcel described in Grant Deed recorded February 29, 2008 as Document Number 2008-0016103-00 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

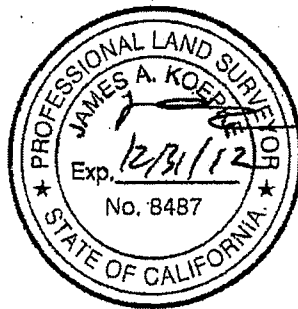
PARCEL 2 & 3 – BUOYS

Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded February 29, 2008 as Document Number 2008-0016103-00 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 08/17/2012 by the California State Lands Commission Boundary Unit.



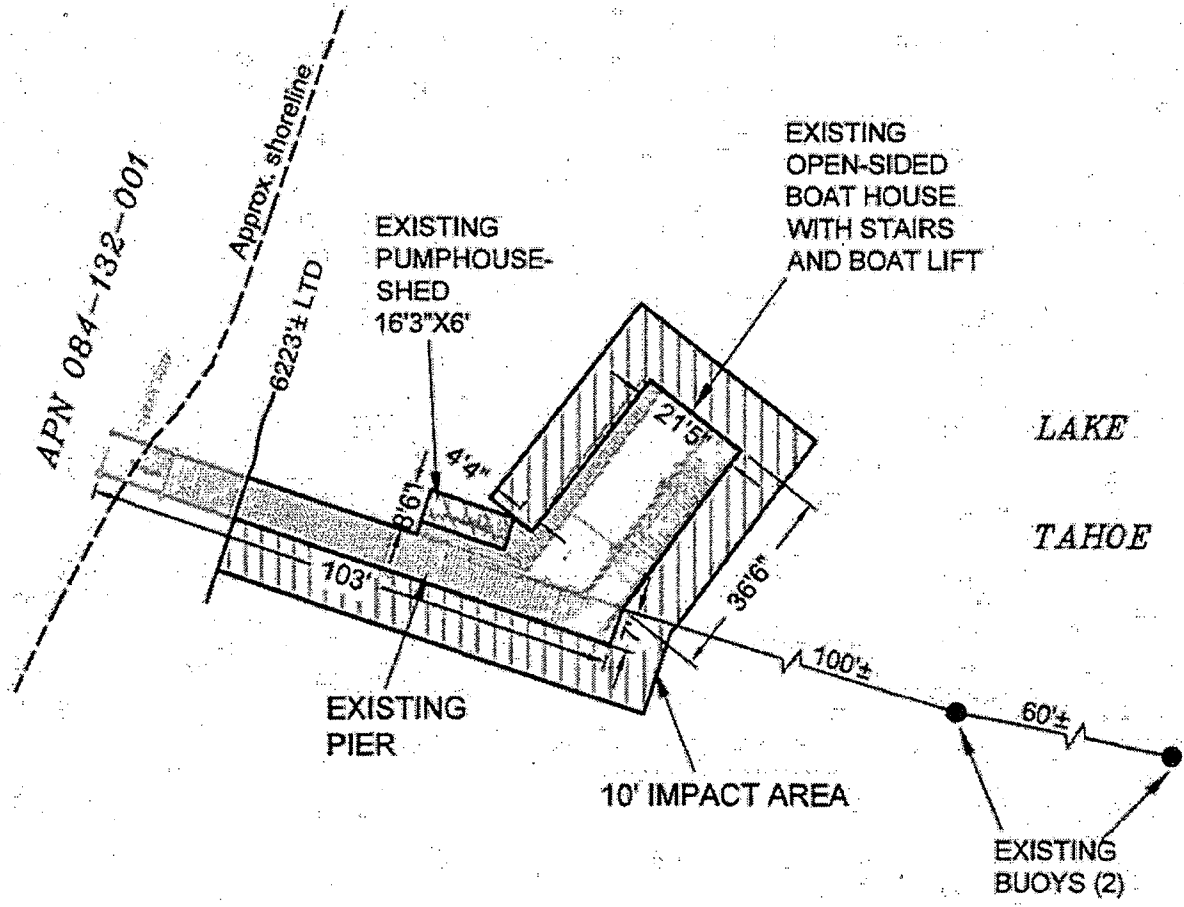
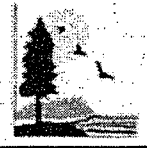


EXHIBIT A

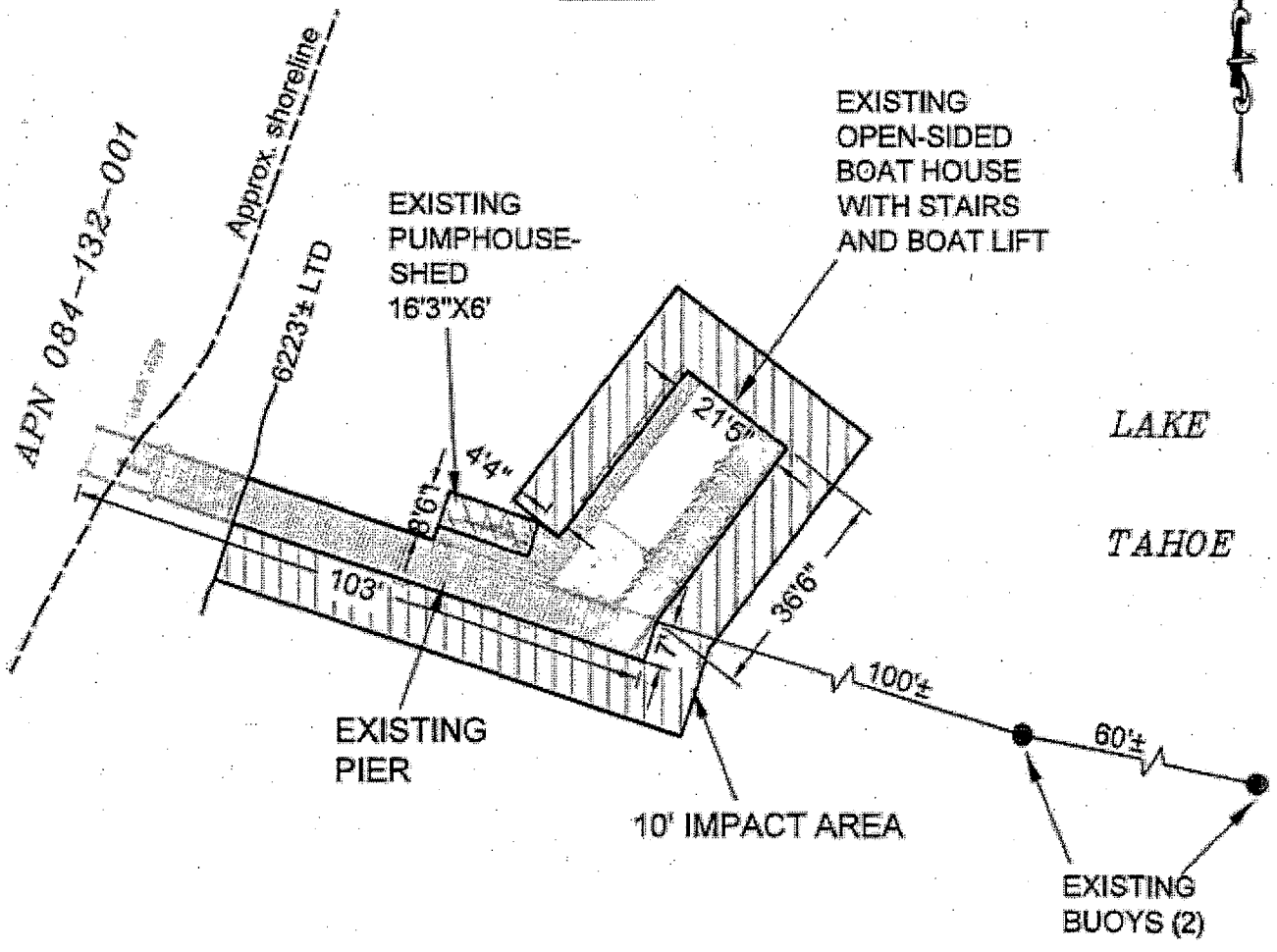
LAND DESCRIPTION PLAT
 PRC 4132.1, DOLBY TRUST
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

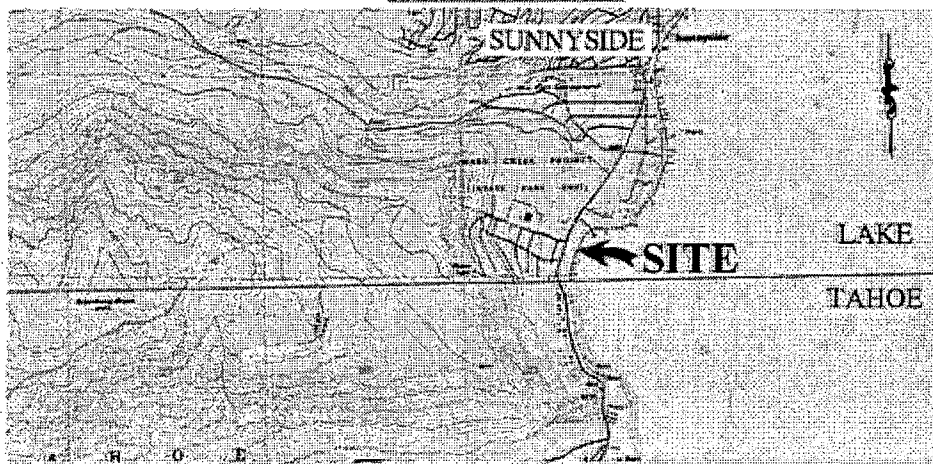
SITE



2550 WEST LAKE BLVD., TAHOE CITY

NO SCALE

LOCATION

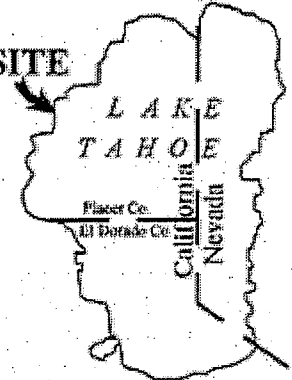


MAP SOURCE: USGS QUAD

Exhibit B

PRC 4132.1
 DOLBY TRUST
 APN 084-132-001
 GENERAL LEASE-
 RECREATIONAL USE
 PLACER COUNTY

SITE



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

TS 05/17/12